

Executive Summary – Enforcement Matter – Case No. 48340
Ascend Performance Materials Texas Inc.
RN100238682
Docket No. 2014-0308-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ascend Performance Materials Chocolate Bayou Plant, located on Farm-to-Market Road 2917, approximately eight miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917, Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,000

Amount Deferred for Expedited Settlement: \$3,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$6,000

Name of SEP: Houston-Galveston Area Council-AERCO

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 48340
Ascend Performance Materials Texas Inc.
RN100238682
Docket No. 2014-0308-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 28, 2013

Date(s) of NOE(s): February 7, 2014

Violation Information

Failed to prevent unauthorized emissions during an event that occurred on August 28, 2013 (Incident No. 187401) and lasted seven hours and 56 minutes. Specifically, animal intrusion in the electrical power insulators and substation structures caused a fault in an isolation switch which resulted in a loss of power and an emergency shutdown of the Acrylonitrile ("AN") 2, AN3, and AN7 Process Units. This led to the AN Units 2 and 7 Waste Heat Boilers, Emission Point Nos. ("EPN") 30H5 and 70Z401, tripping due to blower loss and AN Unit 3 Waste Heat Boiler, EPN 31H4, tripping due to a low steam drum level, causing emissions to vent to the AN Units 2 and 3 Flares, EPNs 30Z7 and 31Z4. Ejector Vent Scrubber, EPN 70K316, and Auxiliary Flash Tank, EPN 70K514, were also impacted by the loss of water due to the power loss. Since the emissions event was avoidable by implementing better maintenance practices, the emissions event does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 18251 and N-011, Special Condition ("SC") No. 1, and NSR Permit Nos. 38336, PSDTX910, and N011, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures designed to prevent unauthorized emissions due to the same cause as the emissions event that occurred on August 28, 2013 (Incident No. 187401); and
 - b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Executive Summary – Enforcement Matter – Case No. 48340
Ascend Performance Materials Texas Inc.
RN100238682
Docket No. 2014-0308-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Paul Cartlidge, Site Director, Ascend Performance Materials Texas Inc.,
P.O. Box 711, Alvin, Texas 77512-0711
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0308-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Texas Inc.
Penalty Amount:	Twelve Thousand Dollars (\$12,000)
SEP Offset Amount:	Six Thousand Dollars (\$6,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for

purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Ascend Performance Materials Texas Inc.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	10-Feb-2014	Screening	20-Feb-2014	EPA Due	
	PCW	24-Feb-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Ascend Performance Materials Texas Inc.		
Reg. Ent. Ref. No.	RN100238682		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48340	No. of Violations	1
Docket No.	2014-0308-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum		\$0	Maximum
			\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,500**

Notes: Enhancement for six orders with denial of liability, three orders without denial of liability, seven NOV's with same/similar violations, and five NOV's with dissimilar violations. Reduction for four Notices of Intent to conduct audits and three disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$73
Approx. Cost of Compliance \$1,502
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$15,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$15,000**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,000**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$12,000**

Screening Date 20-Feb-2014

Docket No. 2014-0308-AIR-E

PCW

Respondent Ascend Performance Materials Texas Inc.

Policy Revision 3 (September 2011)

Case ID No. 48340

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 230%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six orders with denial of liability, three orders without denial of liability, seven NOVs with same/similar violations, and five NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 230%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 20-Feb-2014

Docket No. 2014-0308-AIR-E

PCW

Respondent Ascend Performance Materials Texas Inc.

Policy Revision 3 (September 2011)

Case ID No. 48340

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit Nos. 18251 and N-011, Special Condition ("SC") No. 1, and NSR Permit Nos. 38336, PSDTX910, and N011, SC No. 1

Violation Description

Failed to prevent unauthorized emissions during an event that occurred on August 28, 2013 (Incident No. 187401) and lasted seven hours and 56 minutes. Specifically, animal intrusion in the electrical power insulators and substation structures caused a fault in an isolation switch which resulted in a loss of power and an emergency shutdown of the Acrylonitrile ("AN") 2, AN3, and AN7 Process Units. This led to the AN Units 2 and 7 Waste Heat Boilers, Emissions Point Nos. ("EPN") 30H5 and 70Z401, tripping due to blower loss and AN Unit 3 Waste Heat Boiler, EPN 31H4, tripping due to a low steam drum level, causing emissions to vent to the AN Units 2 and 3 Flares, EPNs 30Z7 and 31Z4. Ejector Vent Scrubber, EPN 70K316, and Auxiliary Flash Tank, EPN 70K514, were also impacted by the loss of water due to the power loss (see table). Since the emissions event was avoidable by implementing better maintenance practices, the emissions event does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$73

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent Ascend Performance Materials Texas Inc.

Case ID No. 48340

Reg. Ent. Reference No. RN100238682

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Aug-2013	20-Aug-2014	0.98	\$73	n/a	\$73

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 187401. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$73

Ascend Performance Materials Texas Inc.
RN100238682
Docket No. 2014-0308-AIR-E and Case No. 48340

Unit	Emissions Point No.	Compound Released	Emissions Released (pounds)
Acrylonitrile Unit 3 Flare	31Z4	Acrylonitrile	89.25
		Opacity	45%
		Volatile Organic Compounds	30.34
		Propylene (Propene)	1.04
Acrylonitrile Unit 2 Flare	30Z7	Opacity	45%
Acrylonitrile Unit 2 Waste Heat Boiler	30H5	Acrylonitrile	1,188.26
		Ammonia	58.53
		Hydrogen Cyanide	325.63
		Propane	49.52
Acrylonitrile Unit 3 Waste Heat Boiler	31H4	Acrylonitrile	357.35
		Hydrogen Cyanide	72.13
		Propane	32.86
Acrylonitrile Unit 7 Waste Heat Boiler	70Z401	Acetonitrile	56.60
		Acrolein	1.60
		Acrylonitrile	528.25
		Carbon Monoxide	109.57
		Hydrogen Cyanide	882.66
		Propane	317.90
		Propylene (Propene)	32.17
Auxiliary Flash Tank	70K514	Acrolein	0.10
		Acrylonitrile	0.42
Ejector Vent Scrubber	70K316	Acrylonitrile	38.13
		Hydrogen Cyanide	1.18

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604255158, RN100238682, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN604255158, Ascend Performance Materials Texas Inc.	Classification:	SATISFACTORY	Rating:	15.21
Regulated Entity:	RN100238682, ASCEND PERFORMANCE MATERIALS CHOCOLATE BAYOU PLANT	Classification:	SATISFACTORY	Rating:	15.21
Complexity Points:	66	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	LOCATED ON FARM-TO-MARKET ROAD 2917, APPROXIMATELY EIGHT MILES SOUTH OF THE INTERSECTION OF STATE HIGHWAY 35 AND FARM-TO-MARKET ROAD 2917, ALVIN, BRAZORIA COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0038U

AIR OPERATING PERMITS PERMIT 2318

AIR OPERATING PERMITS PERMIT 2322

AIR OPERATING PERMITS PERMIT 2324

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30138

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50189

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200049

WASTEWATER EPA ID TX0003875

AIR NEW SOURCE PERMITS PERMIT 5084

AIR NEW SOURCE PERMITS REGISTRATION 28694

AIR NEW SOURCE PERMITS REGISTRATION 34029

AIR NEW SOURCE PERMITS PERMIT 38998

AIR NEW SOURCE PERMITS PERMIT 48895

AIR NEW SOURCE PERMITS AFS NUM 4803900009

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX910

AIR NEW SOURCE PERMITS REGISTRATION 74040

AIR NEW SOURCE PERMITS REGISTRATION 74788

AIR NEW SOURCE PERMITS REGISTRATION 77079

AIR NEW SOURCE PERMITS REGISTRATION 80379

AIR NEW SOURCE PERMITS EPA PERMIT N011

AIR NEW SOURCE PERMITS REGISTRATION 93222

AIR NEW SOURCE PERMITS REGISTRATION 94736

AIR NEW SOURCE PERMITS REGISTRATION 101954

AIR NEW SOURCE PERMITS REGISTRATION 108323

AIR NEW SOURCE PERMITS PERMIT 18708

RADIOACTIVE WASTE DISPOSAL LICENSE RW0219

UNDERGROUND INJECTION CONTROL PERMIT WDW224

UNDERGROUND INJECTION CONTROL PERMIT WDW326

STORMWATER PERMIT TXR05BQ25

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30138

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0038U

AIR OPERATING PERMITS PERMIT 1258

AIR OPERATING PERMITS PERMIT 2321

AIR OPERATING PERMITS PERMIT 2323

AIR OPERATING PERMITS PERMIT 2325

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD001700806

POLLUTION PREVENTION PLANNING ID NUMBER P00445

WASTEWATER PERMIT WQ0000001000

AIR NEW SOURCE PERMITS PERMIT 2271

AIR NEW SOURCE PERMITS PERMIT 18251

AIR NEW SOURCE PERMITS PERMIT 32151

AIR NEW SOURCE PERMITS PERMIT 38336

AIR NEW SOURCE PERMITS PERMIT 39171

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0038U

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX307A

AIR NEW SOURCE PERMITS REGISTRATION 72689

AIR NEW SOURCE PERMITS REGISTRATION 73707

AIR NEW SOURCE PERMITS REGISTRATION 77064

AIR NEW SOURCE PERMITS REGISTRATION 78148

AIR NEW SOURCE PERMITS REGISTRATION 80616

AIR NEW SOURCE PERMITS REGISTRATION 93079

AIR NEW SOURCE PERMITS REGISTRATION 92173

AIR NEW SOURCE PERMITS REGISTRATION 96655

AIR NEW SOURCE PERMITS REGISTRATION 108105

AIR NEW SOURCE PERMITS PERMIT 4634B

AIR NEW SOURCE PERMITS PERMIT 19480

UNDERGROUND INJECTION CONTROL PERMIT WDW013

UNDERGROUND INJECTION CONTROL PERMIT WDW318

UNDERGROUND INJECTION CONTROL PERMIT WDW359

STORMWATER PERMIT TXR15ZC19

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 79885

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: February 20, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 20, 2009 to February 20, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Heather Podlipny

Phone: (512) 239-2603

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/18/2009 ADMINORDER 2008-0062-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:O-02319 General Terms and Conditions OP

Description: Failed to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrogen cyanide, 357.4 lbs of acrylonitrile, and 5 lbs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (Incident No. 95610)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SPECIAL CONDITION 4 OP

Description: Failed to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8000
5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P1-3 failed to start automatically when the primary boiler feed water pump, Pump 350P1-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit 6534, Special Condition 1 PERMIT

Description: Failed to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of propylene. The emission limits for the EPN are 4.01 lbs/hr for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition No, 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen cyanide ("HCN"). The emission limits for this EPN are 3.57 lbs/hr for VOC, 31 lbs/hr for CO and 1.28 lbs/hr for HCN.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions from Emission Point Number 70Z40.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report the July 19, 2009 emissions event,
Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02325, GT&C OP

Description: Failed to submit complete and accurate semi-annual deviation reports for the June 1, 2008 through November 30, 2008 and December 1, 2008 through May 31, 2009 reporting periods.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter H 116.770(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to obtain proper authorization to operate a previously grandfathered emissions source.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02325 STC 19(B) OP

Description: Failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit No. O-02325.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event from the Acrylnitrile 7 Unit and Acrylonitrile 2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event on the Acrylonitrile 2 Unit Product Purification Column pad area.

3 Effective Date: 08/13/2011 ADMINORDER 2010-1828-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 142163.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Terms & Conditions No. 8 OP

Description: Failed to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator scrubbers 337H1 and 337H2.

4 Effective Date: 08/27/2011 ADMINORDER 2010-0088-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

- 5 Effective Date: 08/27/2011 ADMINORDER 2011-0222-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 145043. This emissions event was determined to be excessive.

- 6 Effective Date: 04/23/2012 ADMINORDER 2011-1808-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O1258, ST&C 19 OP
NSR Permit No. 2271, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions of 4,793.00 pounds of ammonia from pressure relief valve PSV-316 during an emissions event (Incident No. 155268) lasting 3 hours and 50 minutes on June 4, 2011.

- 7 Effective Date: 06/08/2012 ADMINORDER 2011-1185-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O2321 OP
Description: Failed to submit the Hazardous Waste Combustion MACT reports within 30 days of the end of each semiannual period. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010.
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O2321, GT&C OP
FOP O2321, ST&C 3.B.iv.3. OP
Description: Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O2321, ST&C 1.A. OP
FOP O2321, ST&C 18 OP
NSR Permit Nos. 18251 and N-011, SC 19.E PERMIT
Description: Failed to operate the flare flow meter for the AN2 flare, EPN 30Z7, at least 95% of the total hours of operation in 2009. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02321, ST&C 1.A. OP

FOP 02321, TT&C 18 OP

NSR Permit Nos. 18251 and N-011, SC 3 PERMIT

NSR Permit Nos. 18251 and N-011, SC 5 PERMIT

Description: Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 Btu/scf for a total of nine hours between October 7, 2009 and April 27, 2010 (see table below).

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02321, GT&C OP

General Terms and Conditions OP

Description: Failed to report all deviations in the semiannual deviation reports. A total of 9 open-ended lines were discovered from January 12 through 15, 2009. These open-ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02321, ST&C 1.A. OP

FOP 02321, ST&C 18 PERMIT

NSR Permit Nos. 18251 and N-011, SC 13.E PERMIT

NSR Permit Nos. 18251 and N-011, SC 15.E PERMIT

NSR Permit Nos. 18251 and N-011, SC 3.A. PERMIT

NSR Permit Nos. 18251 and N-011, SC5 PERMIT

Description: Failed to plug or cap an open-ended line which was discovered on October 15, 2010. The open-ended line was in hazardous air pollutant service and in highly-reactive volatile organic compound ("HRVOC") service. The Respondent capped the open-ended line on the day they were discovered.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(e)
30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02321, ST&C 1.A. OP

FOP 02321, ST&C 21 OP

Description: Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP 02321, ST&C 1.A. OP

Description: Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These components were listed in the Plant's database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Term & Condition 18 OP
Special Terms & Conditions No. 17 OP

Description: Failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167). Specifically, the Respondent released 1,198.19 pounds of acrylonitrile, 177.56 lbs of hydrogen cyanide, 15.20 lbs of ammonia, and 39 lbs of carbon monoxide from the Acrylonitrile Unit 2 Flare, Acrylonitrile Unit 2 Waste Heat Boiler, Acrylonitrile Unit 3 Waste Heat Boiler, Purification Flush Tank Scubber, and Waste Heat Boiler during the 10 hour 24 minute event.

9 Effective Date: 11/11/2012 ADMINORDER 2012-0707-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Terms and Conditions No. 19 OP

Description: Failed to prevent unauthorized emissions during an excessive emissions event on October 1, 2011 (Incident No. 159929). Specifically, the Respondent released 17,683.29 pounds ("lbs") of acrylonitrile, 3,495.90 lbs of hydrogen cyanide, and 1,988.98 lbs of volatile organic compounds, including 851.64 lbs of acetonitrile, 14.59 lbs of acrolein, and 1,122.75 lbs of fumaronitrile, from Cooling Tower No. 6 (Emission Point No. 70382E6) during the 20 hour 8 minute event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for Incident No. 159929 not later than 24 hours after the discovery of an emissions event. Specifically, the initial notification was due by 5:00 a.m. on October 3, 2011 but was not submitted until 8:54 a.m., over 24 hours after the incident was discovered.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 24, 2009	(726852)
Item 2	March 16, 2009	(750165)
Item 3	March 20, 2009	(724849)
Item 4	April 06, 2009	(736212)
Item 5	April 16, 2009	(750166)
Item 6	May 15, 2009	(768286)
Item 7	June 10, 2009	(768287)
Item 8	August 10, 2009	(760734)
Item 9	August 11, 2009	(762921)
Item 10	August 24, 2009	(804428)
Item 11	August 31, 2009	(767513)
Item 12	September 22, 2009	(804429)
Item 13	October 14, 2009	(804430)
Item 14	November 06, 2009	(767538)
Item 15	November 17, 2009	(804431)
Item 16	December 11, 2009	(784537)
Item 17	December 13, 2009	(767543)
Item 18	December 14, 2009	(767550)
Item 19	December 17, 2009	(804432)
Item 20	January 19, 2010	(785856)
Item 21	February 10, 2010	(790032)
Item 22	March 15, 2010	(830793)
Item 23	April 13, 2010	(830794)
Item 24	April 22, 2010	(796385)
Item 25	May 17, 2010	(830795)
Item 26	June 15, 2010	(846239)
Item 27	June 21, 2010	(803247)
Item 28	July 09, 2010	(829610)
Item 29	July 13, 2010	(860835)

Item 30	July 23, 2010	(830086)
Item 31	August 16, 2010	(866799)
Item 32	August 30, 2010	(849823)
Item 33	September 09, 2010	(841766)
Item 34	September 17, 2010	(873871)
Item 35	September 20, 2010	(864461)
Item 36	September 30, 2010	(850191)
Item 37	October 08, 2010	(849826)
Item 38	October 13, 2010	(859969)
Item 39	October 18, 2010	(881473)
Item 40	October 25, 2010	(858020)
Item 41	November 11, 2010	(888004)
Item 42	November 22, 2010	(858048)
Item 43	December 13, 2010	(896206)
Item 44	January 13, 2011	(884974)
Item 45	January 17, 2011	(902277)
Item 46	January 24, 2011	(886439)
Item 47	January 25, 2011	(886526)
Item 48	February 14, 2011	(909051)
Item 49	February 22, 2011	(893337)
Item 50	February 28, 2011	(858031)
Item 51	March 17, 2011	(902104)
Item 52	March 28, 2011	(901932)
Item 53	April 07, 2011	(907947)
Item 54	April 21, 2011	(924756)
Item 55	April 28, 2011	(878118)
Item 56	May 12, 2011	(913615)
Item 57	May 19, 2011	(937995)
Item 58	May 31, 2011	(913957)
Item 59	June 09, 2011	(906472)
Item 60	June 10, 2011	(913961)
Item 61	June 20, 2011	(945319)
Item 62	June 23, 2011	(913963)
Item 63	June 27, 2011	(913966)
Item 64	July 01, 2011	(913967)
Item 65	July 14, 2011	(933988)
Item 66	July 20, 2011	(952593)
Item 67	August 10, 2011	(959275)
Item 68	August 16, 2011	(935315)
Item 69	August 31, 2011	(951773)
Item 70	September 19, 2011	(965307)
Item 71	September 22, 2011	(956739)
Item 72	October 17, 2011	(971347)
Item 73	November 10, 2011	(977507)
Item 74	November 14, 2011	(957477)
Item 75	December 08, 2011	(968932)
Item 76	December 09, 2011	(970199)
Item 77	December 13, 2011	(984273)
Item 78	December 19, 2011	(970291)
Item 79	January 16, 2012	(990575)
Item 80	February 15, 2012	(997936)
Item 81	February 16, 2012	(987709)
Item 82	February 24, 2012	(984020)
Item 83	February 28, 2012	(987443)
Item 84	March 19, 2012	(1003459)
Item 85	April 02, 2012	(994584)
Item 86	April 16, 2012	(1010023)
Item 87	May 15, 2012	(1016418)
Item 88	May 24, 2012	(996478)
Item 89	May 30, 2012	(1007707)
Item 90	May 31, 2012	(1007710)

Item 91	June 20, 2012	(1024138)
Item 92	July 19, 2012	(1020590)
Item 93	July 24, 2012	(1007991)
Item 94	August 08, 2012	(1021735)
Item 95	August 10, 2012	(1021591)
Item 96	August 13, 2012	(1037910)
Item 97	August 29, 2012	(1015387)
Item 98	September 18, 2012	(1046636)
Item 99	September 20, 2012	(1029175)
Item 100	October 23, 2012	(1060774)
Item 101	October 31, 2012	(1042245)
Item 102	November 01, 2012	(1030452)
Item 103	November 26, 2012	(1060775)
Item 104	November 27, 2012	(1030977)
Item 105	December 06, 2012	(1030959)
Item 106	December 12, 2012	(1042897)
Item 107	December 18, 2012	(1060776)
Item 108	January 18, 2013	(1078905)
Item 109	January 25, 2013	(1053391)
Item 110	January 29, 2013	(1055119)
Item 111	February 05, 2013	(1055931)
Item 112	February 08, 2013	(1050820)
Item 113	February 25, 2013	(1056184)
Item 114	February 27, 2013	(1059363)
Item 115	March 05, 2013	(1009307)
Item 116	March 19, 2013	(1089276)
Item 117	April 17, 2013	(1095670)
Item 118	May 16, 2013	(1106595)
Item 119	June 14, 2013	(1110271)
Item 120	July 01, 2013	(1095503)
Item 121	July 16, 2013	(1117154)
Item 122	July 24, 2013	(1098642)
Item 123	July 29, 2013	(1104247)
Item 124	August 14, 2013	(1124910)
Item 125	August 21, 2013	(1113411)
Item 126	August 23, 2013	(1094657)
Item 127	August 27, 2013	(1114611)
Item 128	September 18, 2013	(1129511)
Item 129	October 04, 2013	(1116396)
Item 130	October 14, 2013	(1135241)
Item 131	October 30, 2013	(1116182)
Item 132	November 14, 2013	(1128694)
Item 133	November 15, 2013	(1140641)
Item 134	November 20, 2013	(1132556)
Item 135	November 21, 2013	(1115974)
Item 136	December 02, 2013	(1093753)
Item 137	December 17, 2013	(1147098)
Item 138	January 28, 2014	(1144088)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/25/2013 (1053944)	CN604255158
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) NSR 18251, Special Condition 1 PERMIT	

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (CATEGORY B-14)

- 2 Date: 04/22/2013 (1073222) CN604255158
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to submit Permit Compliance Certification report within 30 days after end of compliance period.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to submit semi-annual Deviation Report within 30 days after end of compliance period.
- 3 Date: 04/23/2013 (1073695) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Category B 14.
- 4 Date: 04/24/2013 (1056146) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
E.L.&M.R., pg. 2(c), No. 3 PERMIT
Description: Failed to maintain compliance with the permitted effluent limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failed to ensure proper preservation of effluent samples.
- 5 Date: 07/23/2013 (1099406) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Category B13
- 6 Date: 08/06/2013 (1028725) CN604255158
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
S.T.C 3(A)(iv)(1) OP
Description: Failure to conduct visible emission monitoring of the stationary firewater diesel engine pump, 333P3-5DE [Category C1 violation]
- 7 Date: 08/16/2013 (1094688) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 17A PERMIT
Special Term and Condition 18 OP
Special Term and Condition OP
Description: Failure to inspect the capture system for scrubber exhaust stack 83S14 (Category B1).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.143(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 4 PERMIT
Description: Failure to comply with alternative control requirements for industrial wastewater (Category B3).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Description: Failure to report all instances of deviations. (Category B3)

- 8 Date: 08/16/2013 (1094692) CN604255158
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #25 PERMIT
Special Terms and Condition #17 OP
Description: Failure to seal one (1) open-ended line (OEL). (Category C10)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC#8(B) PERMIT
ST&C #17 OP
ST&C 15 OP
Description: Failure to maintain the temperature at 1425 degrees Fahrenheit for the boiler
(EPN: 70Z401). (Category C4)
- 9 Date: 08/29/2013 (1073503) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Special Condition 1 PA
Special Term & Condition 17 OP
Description: Failure to comply with the VOC pound per hour (lb/hr) permitted limit for the
Acrylonitrile Product Storage Tank (EPN: 320T311-3). (Category B13)
- 10 Date: 08/30/2013 (1028744) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 10 OP
NSR, SC 22 PERMIT
Description: Failure to maintain 69 gpm on the absorber associated with 337H2. Category C4
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 10 OP
FOP, ST&C 1A OP
FOP, ST&C 9 OP
NSR, SC 13 PERMIT
Description: Failure to maintain Incinerator (337H2) temperature at or above 933 degrees
Celsius. Category C4
- 11 Date: 10/15/2013 (1116162) CN604255158
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(14)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the PCC and DR report within 30 days of the end of certification
period (category B-3)
- 12 Date: 10/22/2013 (1116261) CN604255158
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
ST&C 18 OP
Description: Failure to maintain hourly emissions below permitted limits.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to submit HRVOC Fugitive Report within required timeframe.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit minor Title V Permit revision documentation to the TCEQ.

F. Environmental audits:

Notice of Intent Date: 07/07/2009 (762800)

Disclosure Date: 08/28/2009

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)

Description: Failure to calibrate implement annual calibration continuous flow monitors for cooling towers E379CT3, E379CT4, and 70382E6.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to authorize volatile organic compounds (VOCs) from tanks E332S1-1, E332S1-2, E332T1-1, E332T1-2, E336T1-1, E336T1-2, E336T2-1, and E3362-2 and particulate matter emissions from cooling towers E379CT3, E379CT4, and 70382E6 by permits by rule (PBRs).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failure to accurately report annual nitrogen oxide emissions from EPN E350H1-1 due to calculation errors.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(1)

Description: Failure to ensure wastewater treatment VOC emissions are less than 25 tons per year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(h)

Description: Failure to stack test EPN E334P71 and E334GEN quarterly for nitrogen oxides and carbon monoxide from April 2005 through April 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)(9)

Description: Failure to meet emission standards for EPN E334P71 and E334GEN and failure to report in the semiannual engine report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)

Description: Failure to ensure E334-GEN is accounted for in the mass emission cap and trade (MECT) program.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Violations from this audit were not reported in the Title V deviation reports.

Notice of Intent Date: 03/16/2011 (914912)

Disclosure Date: 04/29/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failed to submit an accurate Air Emissions Inventory. A few deficiencies were noted in the 2009 Air Emission Inventory submitted to the TCEQ.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)

Description: Failed to include all process equipment in the existing Startup, Shutdown and Malfunction Plan (SSMP). The SSMP for the cyanide operations does not include the process equipment covered by the miscellaneous organic NESHAP (MON) operations (however, the SSMP currently includes the MON control equipment).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to submit a complete Permit Compliance Certification report. The PCC reports submitted semiannually did not include in Part 3 of the PCC report which monitoring option has been selected by the Facility for leak detection of the incinerator capture system established in Condition 21 of Permit Nos. 8372 and PSD-TX- 307 A, and Condition 9E of the FOP.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT NSR Permit No. 8372, Condition 12A

Description: Failed to have an adequate emergency flare. The "emergency" flare may not meet the minimum heat value required by Condition 12.A of Permit Nos. 8372 and PSD-TX-307A (reference 40 CFR 60.18). Note: emergency flare has never been used in the two plus decades of unit operation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter F 334.127(b)

Description: A 2,160-gallon aboveground diesel fuel storage tank is not registered.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(g)(1)

Description: Failed to conduct monitoring. Not consistently conducting quarterly corrosion monitoring for "mass ... cracking, pitting and other signs of corrosion" for deep wells WDW 224 and WDW 326.
Additional Detail: currently quarterly ultrasonic testing and a semi-annual visual inspection of the pulled spool piece are being conducted.

Viol. Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.66(b)(1)

Description: Waste disposal well WDW 326 was not labeled with the well number.

Notice of Intent Date: 04/30/2012 (1020775)

No DOV Associated

Notice of Intent Date: 05/14/2012 (1013342)

Disclosure Date: 09/19/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR 6534, SC 11

Description: Failed to use an approved monitoring device. The Respondent was using Beneze-specific Draeger tubes instead of an FID or Approved Method 21 monitoring device to measure Total VOC emissions on CAS system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to report - to include the preceding two Title V deviations in a Title V deviation report.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASCEND PERFORMANCE
MATERIALS TEXAS INC.
RN100238682**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0308-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ascend Performance Materials Texas Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant on Farm-to-Market Road 2917, approximately eight miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 12, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifteen Thousand Dollars (\$15,000) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Thousand Dollars (\$6,000) of the administrative penalty and Three Thousand Dollars (\$3,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Dollars (\$6,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an event that occurred on August 28, 2013 (Incident No. 187401) and lasted seven hours and 56 minutes, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 18251 and N-011, Special Condition ("SC") No. 1, and NSR Permit Nos. 38336, PSDTX910, and N011, SC No. 1, as documented during a record review conducted on October 28, 2013. Specifically, animal intrusion in the electrical power insulators and substation structures caused a fault in an isolation switch which resulted in a loss of power and an emergency shutdown of the Acrylonitrile ("AN") 2, AN3, and AN7 Process Units. This led to the AN Units 2 and 7 Waste Heat Boilers, Emissions Point Nos. ("EPN") 30H5 and 70Z401, tripping due to blower loss and AN Unit 3 Waste Heat Boiler, EPN 31H4, tripping due to a low steam drum level, causing emissions to vent to the AN Units 2 and 3 Flares, EPNs 30Z7 and 31Z4. Ejector Vent Scrubber, EPN 70K316, and Auxiliary Flash Tank, EPN 70K514, were also impacted by the loss of water due to the power loss (see table). Since the emissions event was avoidable by implementing better maintenance practices, the emissions event does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Unit	EPN	Compound Released	Emissions Released (pounds)
Acrylonitrile Unit 3 Flare	31Z4	Acrylonitrile	89.25
		Opacity	45%
		Volatile Organic Compounds	30.34
		Propylene (Propene)	1.04
Acrylonitrile Unit 2 Flare	30Z7	Opacity	45%
Acrylonitrile Unit 2 Waste Heat Boiler	30H5	Acrylonitrile	1,188.26
		Ammonia	58.53
		Hydrogen Cyanide	325.63
		Propane	49.52
Acrylonitrile Unit 3 Waste Heat Boiler	31H4	Acrylonitrile	357.35
		Hydrogen Cyanide	72.13
		Propane	32.86
Acrylonitrile Unit 7 Waste Heat Boiler	70Z401	Acetonitrile	56.60
		Acrolein	1.60
		Acrylonitrile	528.25
		Carbon Monoxide	109.57
		Hydrogen Cyanide	882.66
		Propane	317.90
		Propylene (Propene)	32.17
Auxiliary Flash Tank	70K514	Acrolein	0.10
		Acrylonitrile	0.42
Ejector Vent Scrubber	70K316	Acrylonitrile	38.13
		Hydrogen Cyanide	1.18

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials Texas Inc., Docket No. 2014-0308-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Dollars (\$6,000) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent unauthorized emissions due to the same cause as the emissions event that occurred on August 28, 2013 (Incident No. 187401); and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing",

and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Norcia J
For the Executive Director

9/5/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Paul Catridge
Signature

5/19/2014
Date

PAUL CATRIDGE
Name (Printed or typed)
Authorized Representative of
Ascend Performance Materials Texas Inc.

Sr. Director, Chocolate Bayou Operations.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0308-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Texas Inc.
Penalty Amount:	Twelve Thousand Dollars (\$12,000)
SEP Offset Amount:	Six Thousand Dollars (\$6,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for

Ascend Performance Materials Texas Inc.
Agreed Order - Attachment A

purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Ascend Performance Materials Texas Inc.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.